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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,980	11/03/2005	Takeshi Kamata	050076	1136
23850 7590 08/10/2009 KRATZ, QUINTOS & HANSON, LLP 1420 K Street, N.W. Suite 400 WASHINGTON, DC 20005				
EXAMINER				
TALBOT, BRIAN K				
ART UNIT		PAPER NUMBER		
1792				
MAIL DATE		DELIVERY MODE		
08/10/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/523,980

Applicant(s)

KAMATA ET AL.

Examiner

Brian K. Talbot

Art Unit

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO-893)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. The amendment filed 5/19/09 has been considered and entered. Claims 2 and 4-6 have been canceled. Claim 7 has been added. Claims 1,3 and 7 remain in the application.

2. In light of the amendment filed 5/19/09, the 35 USC 112 second paragraph rejections have been withdrawn, however, the following one has been necessitated.

In claim 1, the term "mask" lacks antecedent basis as it appears to be a typographical error and should recite "mark".

Claim Rejections - 35 USC § 102

3. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Bleich et al. (4,877,645), Klebl et al. (5,153,025) or Smyczek et al. (5,444,466).

Bleich et al. (4,877,645) teaches a method and apparatus for applying a coating material to elongated material. The elongated material is a plastic insulation surrounding a metallic conductor and is supplied with a feed reel and take-up reel. The colorant is applied with nozzles from the uppermost side of the plastic covered metallic cable (abstract and Figs. 1-4)

Klebl et al. (5,153,025) teaches a method of continuous marking of elongated material with a colorant from color jets located above and below the elongated material while being supplied with a feed reel and a take-up reel (abstract and Figs. 1-2). The elongated material includes insulated metal strands (col. 1, lines 20-25).

Smyczek et al. (5,444,466) teaches a wire marking system and method whereby an ink is printed on the outermost surface of an insulated wire while being supplied by a feed reel and a take-up reel (abstract and Figs. 1,2 and 5).

Bleich et al. (4,877,645), Klebl et al. (5,153,025) or Smyczek et al. (5,444,466) all teach a continuous feeding mechanism with a feed reel and a take-up reel. It is the Examiner's position that this apparatus would inherently apply tension to the wire and therefore meets the claimed limitation of "tightened in a state where tensile force is applied in a longitudinal direction".

Regarding claim 3, the term "open end" is met by the references as they all teach nozzles or jets which comprise "an open ended applicator" for applying the colorant to the outside of the wire.

Regarding the limitation of the marking material moving downward by gravity along the outer face to form the band, it is the Examiner's position that the prior art while absent a positive recitation of "gravity" aiding in the formation of the bands, one skilled in the art would recognize that gravity is present in the prior art and would meet the claimed limitation.

Allowable Subject Matter

4. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons for Indicating Allowable Subject Matter

5. While the prior art may teach or inherently teach the aid of gravity in forming the lines, the references do not teach the mark having a width larger at the uppermost portion than at the lowermost portion.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Talbot whose telephone number is (571) 272-1428. The examiner can normally be reached on Monday-Friday 8AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy H. Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian K Talbot/
Primary Examiner, Art Unit 1792

BKT

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